IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

W.P. No.17433 of 2004

Between:

All India Sufi Conference

Rep., by its Secretary, Mir Kamal Uddin Ali Khan

S/o Mir Nazabeth Ali Khan, aged 58 years,
R/o 11-4-656/2, Lakdikapool, Hyderabad.

..... PETITIONER

AND

The Government of Andhra Pradesh,

Minorities Welfare Dept., Rep., by its

Principal Secretary, Secretariat Building,

Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass order or direction more particularly one in the nature of writ of mandamus directing the respondent to initiate proceedings under Section 99 of the Wakf Act forthwith and form new Board in the interest of the Wakf.

Counsel for the Petitioner: MR.B.MADHAVA REDDY

Counsel for the Respondent No.: G.P. for Minorities Welfare.

The Court made the following :

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ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

In the light of the statement made by the learned Government Pleader for Minorities Welfare, this writ petition does not require any adjudication as such. It is further brought to our notice that as on today only four members are there in the Wakf Board, which according to the learned Government Pleader do not even constitute quorum to take any decision. Therefore, the apprehension entertained by the petitioner that some resolutions are likely to be passed by the Wakf Board has no basis. It is also brought to our notice that the Government had already issued notices to those four individual members requiring their explanation as to why they should not be removed from the office and the same are challenged by those individuals in separate petitions about which we are not concerned for the present.

In such view of the matter, it cannot be said that the Government failed to initiate proceedings to protect the interest of the Wakf properties and the Wakf Board as such. We hope and trust that the Government shall proceed further in

the matter in accordance with law pursuant to the notices already issued, by taking such steps as may be required to protect the interest of the Wakf Board as well as the Wakf properties.

For the present, we find no basis to issue any further directions. This order shall not preclude the petitioner to challenge the decision, if any, to be taken by the existing members of the Wakf Board in the name of the Wakf Board.

Accordingly the Writ Petition shall stand dismissed with the observations as above. No order as to costs.

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B. SUDERSHAN REDDY, J

Date:04-10-2004.

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K.C. BHANU, J

PV

To

1) The Principal Secretary

Government of Andhra Pradesh,

Minorities Welfare Department,

Secretariat Building, Hyderabad.

2) Two C.Cs. to G.P. for Minorities Welfare, High Court of A.P.,

Hyderabad (O.U.T.).

3) Two C.Ds.